



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/381,526	04/12/00	AESCHLIMANN	M 41-303-3

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EXAMINER

GALLAGHER, J

ART UNIT

PAPER NUMBER

1733

DATE MAILED:

08/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/381526

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 23-47 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 23-47 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 12 APR 12 2000 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☒ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7-8
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Applicants' Preliminary Amendments (2), filed 12 April 2000, have both been received and made of record.

2. Claims 23-34 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the word "bore" in line 12 of claim 23 should apparently read "element". Also, it is felt that the reference numerals should be removed from all of the claims.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 23-29 and 31-47 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over any one of Eakins or Luth et al. or the Japanese reference (cited and supplied by applicants) to Hirakawa.

Eakins (Figs. 3-5, column 1 lines 1-4 and 40-41, column 2 lines 16-20, column 3 lines 14-23 and 50-75, column 4 lines 1-14 and 43-71, column 5 lines 17-20), Luth et al. (Figs. 1 and 8,

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column 1 lines 1-5 and 34-46, column 2 lines 6-10, 31-35 and 48-50, column 3 lines 7-9 and 55-61, column 4 lines 29-46) and the Hirakawa reference (English Translation Abstract) all disclose that it is known to join two apertured substrates via a process wherein a thermoplastic fastening element (in the form of an e.g. pin, rivet etc.) is inserted into the substrate apertures and subjected to the action of (heat) energy to soften/melt/fuse it, thereby ^e affecting joining of the substrates. Any differences which might possibly exist between this envisioned, claimed invention and the teachings of any of these references are held NOT to constitute patentable differences; further along this line, the joining of porous (e.g. wood, cardboard etc.) substrates is held to be implicitly encompassed within the teaching of at least both Eakins (N.B. column 3 lines 65-68) and Luth et al. (N.B. column 2 lines 48-50 and column 3 lines 7-9).

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 30 is rejected under 35 U.S.C. § 103(a) as being unpatentable over any one of Eakins or Luth or Hirakawa, each in view of Fusco et al.

Fusco et al. disclose that it is known to heat a thermoplastic fastening element of the type/similar to those shown in the three primary references (viz. a pin) via the application thereto of ~~UV-radiation~~^{ULTRASONIC} energy (column 1 lines 59-64, column 2 lines 9-12, column 3 lines 27-28 and 66-67, column 4 lines 1-3), such that it would have been obvious to one of ordinary skill in this art to employ such a conventional, documented heating technique in/in conjunction with the processes of the three primary patentees, as/in place of the corresponding, analogous heating technique provided for and employed therein; mere substitution of one known such technique for another (and in/from a most similar if not identical environment) involved.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

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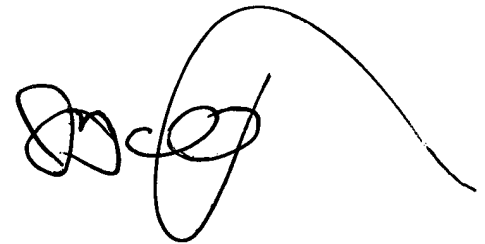
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.


JJGallagher:cdc

August 6, 2001



JOHN J. GALLAGHER
PRIMARY EXAMINER
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